

United States District Court
District of New Hampshire

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2014 AUG -4 A 11:58

ERNESTO RIVERA
Plaintiff

v.

NASHUA POLICE DEPT., EX. AL.
Defendant(s)

Civil Action No. 1:14-cv-339-PB
(To be provided by Clerk's Office)

TO BE COMPLETED BY PLAINTIFF

(Check One Only)

☒ DEMAND FOR JURY TRIAL

☐ NO JURY TRIAL DEMAND

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C § 1983

I. Parties

A. Please provide the following information for each plaintiff:

1. Name RIVERA ERNESTO
(Last) (First) (Initial)

2. Place of Detention Hillsborough County, Dept of Corrections

3. Institutional Address 445 S. Willow Street
MANCHESTER, N.H. 03104

4. Are you incarcerated pursuant to a pretrial detention order or are you a sentenced inmate?

☒ Pretrial Detention Order

☐ Sentenced Inmate

5. Date pretrial detention order was issued or sentence imposed July 21, 2013

B. Please provide the full name, current title and address known for each defendant:

1. Name NASHUA POLICE DEPT., EX. 11 AL
(Last) (First) (Initial)
2. Title DOMESTIC VIOLENCE UNIT, CRIME INVESTIGATION DIV.
3. Address PANTHER DRIVE
NASHUA, N.H. 03060

(If the complaint is being made against more than one defendant, please attach additional sheets listing the above information and allegations as follows.)

II. Statement of Claim

For each claim, please include the following information on attached sheets:

1. State which of your federal constitutional or federal statutory rights have been violated.
2. State which defendant(s) have violated that particular right for each allegation.
3. State, with specificity, the facts and circumstances that gave rise to the violations or deprivations alleged.
4. State the harm or damage that resulted from the alleged violation or deprivation.

Allegation 1: "Color of Law"

Supporting Facts: July 21, 2013 While the Plaintiff, ERNESTO RIVERA, WAS
DETAINED UPON SIMPLE ASSAULT AND ALLEGED DRUG PROCESSION.
NASHUA POLICE OFFICERS: SPIAKS #91, NASHUA POLICE OFFICERS, NIOLE BOOKS,
DID VIOLATE THE Plaintiff, ERNESTO RIVERA, CIVIL RIGHTS BY
ABUSING THE 14TH AMENDMENT OF UNITED STATES CONSTITUTION
AND THE CIVIL RIGHTS THRU SELECTIVE AND VINDICTIVE ARREST
THRU ARREST AND A ABUSE OF THERE AUTHORITY WHILE ACTING
UNDER THE "COLOR OF LAW."

Allegation 2: "Color of Law"

Supporting Facts: Hudson Police Officers: THOMAS SCOTTY and NASHUA Police Officers: NICOLE BROOKS, DID UPON AUG 23, 2013 ENTER THE PLAINTIFF HOME WITHOUT A LAWFUL SEARCH WARRANT. BETWEEN THE HOURS 10 AM & 11 AM, AND NOT ANY EVIDENCE WAS FOUND AND NOR WAS A SEARCH WARRANT SIGNED BY ANY JUDGE OF HILLSBOROUGH COUNTY.

Allegation 3: "Color of Law"

Supporting Facts: THE ABUSE OF POWER BY NASHUA Police Officers BROOKS AND SEVERAL HUDSON Police Officers, DID NOT FIND ANY WEAPON. LATER ON WITHIN THE DAY OF AUGUST 23, 2013, MR. RIVERA LONGTIME FRIEND DID CONTACT LAW ENFORCEMENT OFFICERS AND STATED, I HAVE FOUND WHAT YOU WERE LOOKING FOR. THE DETENTION OF MR. RIVERA PROPERLY BY LAW ENFORCEMENT OFFICERS IS A VIOLATION OF THE UNITED STATES CONSTITUTION.

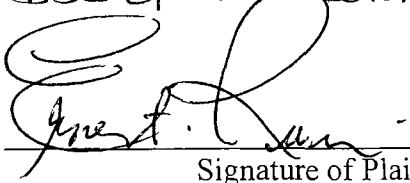
(If more space is needed to explain any allegation or to list additional facts, attach additional pages)

III. Relief \$1,7623,280.00 COMPENSATIONAL AND PUNITIVE DAMAGES.

You must request specific relief in your Complaint. State briefly exactly what you want the court to do for you (attach additional pages if necessary):

THUS SELECTIVE AND ABUSE OF POWER WHILE ACTING UNDER THE COLOR OF STATE LAW, CERTAIN OFFICERS OF THE NASHUA Police DEPARTMENT AND HUDSON Police DEPARTMENT DID ABUSE THEIR AUTHORITY THRU ABUSE OF AUTHORITY AND VIOLENCE AND SELECTIVE USE OF THE COLOR OF LAW.

Date: 7-22-2014


Signature of Plaintiff

State of New Hampshire]
]
County of Hillsborough] ss

ERNEST RIVERA, being first duly sworn, upon oath, presents that (s)he has read and subscribed to the foregoing complaint, and states that the information contained therein is true and correct.

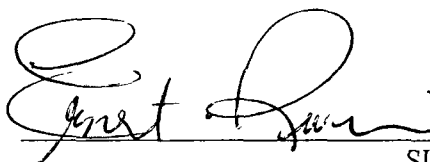
Subscribed and sworn before me this _____ day of _____, 20__..

Notary Public/Justice of the Peace

O R

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

7-22-2014
DATE

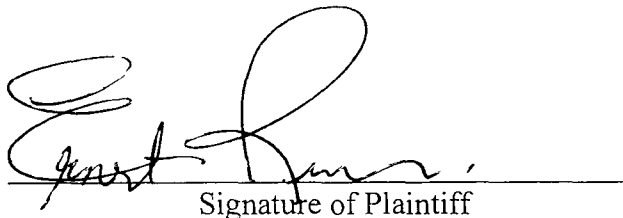

SIGNATURE

JURY TRIAL DEMAND

I demand a jury trial for all claims for which a jury trial is allowed.

YES ☒ NO ☐
(check one only)

Date: 7-22-2014


Signature of Plaintiff

CIVIL COVER SHEET

The JS-44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS **ERNESTO RIVERA** U.S. DISTRICT COURT **NASHUA POLICE DEPT., EX., AL,**
DISTRICT OF N.H. FILED

(b) County of Residence of First Listed Plaintiff **HILLSBOROUGH** County of Residence of First Listed Defendant **HILLSBOROUGH**
(EXCEPT IN U.S. PLAINTIFF CASES) 2014 AUG -4 A 11:57 (IN U.S. PLAINTIFF CASES ONLY)
NOTE IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) Attorneys (Firm Name, Address and Telephone Number) Attorneys (If known)

II. BASIS OF JURISDICTION (Place an X in One Box Only)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an X in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an X in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat. TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an X in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

COLOR OF LAW
Brief description of cause: **ILLEGAL ARREST SELECTIVE VINDICTIVE PROSECUTION, BECAUSE OF RACE.**

VII. REQUESTED IN COMPLAINT: ☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ **1,7623,280.00** CHECK YES only if demanded in complaint ☒ JURY DEMAND ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions) JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE